What is normativity?

A choice-based conception of norms and its application against Searle's derivation and the Frege-Geach problem

by Richard Bell
Leiden University
March 2025

Many philosophers are much more comfortable with facts than with norms. Norms are seen to be weird, logically isolated from facts, and hard to account for. There is much more disagreement on the nature of norms than that of facts. And yet it seems that people only ever need facts in order to decide what to do. We only care about facts inasmuch as we care about our oughts. One may even argue that people's whole personalities[1] can be reduced to sets of norms[2], i.e. regularities in their behavior. This calls for understanding of norms.

In this paper, I make an attempt to formulate a conception of normativity. The conception is based on choice, which is a constant requirement of the human condition. I draw a distinction between the content and the fact of a norm and use it to disambiguate the meaning of normative statements. This also helps to account for the difference between norms and commands, with a brief reference to H.L.A.Hart. Once this is done, the communication of norms can be explained as an ambiguous mix of appeal, assertion and expression of emotion. I conclude by applying the proposed conception to expose the error in John Searle's derivation of an ought from an is and to show how the Frege-Geach problem can be avoided for emotivists.

Preliminary remarks

Before we settle on the main issue of defining normativity, a few clarifying remarks need to be made.

First, I take normativity to be the necessary characteristic of all norms. Something is a norm if it has normativity in the same way as something is a fluid if it has fluidity. Throughout this paper and for its purposes only I will use the terms oughtness and shouldness as synonyms for normativity. Similarly, I take an ought to be synonymous with a norm.

Second, it helps to draw a line between normativity, i.e. the oughtness of something, and the content of particular norms, i.e. the precise thing that ought to be done. Normativity is the general feature that applies to all norms, whereas

[1] At the biological level, people can be described as large sets of rules.
[2] Interestingly, in some modalities of psychotherapy, such as person-centered therapy, the relaxing of interpersonal normative pressure by what is known as unconditional positive regard by the therapist has been shown to promote self-knowledge and self-acceptance.

the content of norms is specific to every single[3] norm. The content of norms, its sources and justifications are beyond the scope of this essay. Some of these debates comprise whole branches of philosophy, as is the case of metaethics which studies the sources and justifications of moral norms. Here we only briefly note that the content of norms determines the type of a given norm such as a moral, social, legal, linguistic, logical norm etc.

Finally, we need to make a preliminary distinction between a norm and its linguistic representation. For example, the sentence "men should wear pants in public" is not a norm in itself but rather a representation of a norm. A norm can have different representations or indeed no representations at all. This distinction is analogous to the one between numbers and numerals, the former being abstract entities and the latter being only their arbitrary representations.

So, what is a norm other than its verbal representation?

Constant choice

The starting point is to note that we ascribe norms only to living organisms that exhibit intention. It would be weird to say that the Sun rises in the East because of a certain norm. Putting aside the numerous debates in the philosophy of science, we judge that the Sun is governed by the laws of physics that are deterministic. There is nothing in the Sun or any other inanimate thing that can make decisions and influence its behavior. Living organisms, on the other hand, and in particular those that have nervous systems, have the capacity to change their behavior in ways that massively surpass the variability of physical laws[4].

Advanced nervous systems are capable of creating models of the world that allow testing the consequences of one's particular actions. In fact, such nervous systems can maintain several models of the world that represent the consequences of different possible actions (Bor 2012, ch.2.11). Comparing these models leads to the choice of action.

An important point to notice is that living organisms with advanced nervous systems are *always* in the state of choosing their next action. At no point in time are they "passive". Rest is just the same kind of choice as action. As long as the nervous system is operational, it makes continuous evaluations of the organism's environment and the following actions. In humans, some part[5] of this mental evaluative and decision-making activity is conscious and the deciding force behind the chosen action is what we call intention.

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[3] Otherwise, any two norms with the same content would be simply the same norm.

[4] Turing machines, and especially their more sophisticated modifications show that mechanical devices are capable of behaviors that closely resemble environmental awareness and decision-making of living organisms. From a physicalist point of view, the boundary between inanimate and living things is vague. However, this does not affect the present argument.

[5] The obvious implication is that the other part of the decision-making activity is unconscious. Technically, the actions are still chosen, albeit unconsciously. On the present account, unconscious choices are not intentional.

In other words, humans are constantly choosing their next action and can never escape the process of choosing. Most of the time this goes unnoticed. One may say "I decided to hit the gym yesterday" and this might look like a loose-hanging decision in some decision-less temporal space. Yet in reality, this was the decision to go to the gym rather than go to a pub, a spa, a zoo or any other possible option.

Why is this important? An ought, a normative obligation might look like something of a special kind, standing above the regular actions. Saving a drowning child feels like an extraordinary choice beyond the ordinary activity of walking to one's work and wearing an expensive suit. Yet I argue that that is merely one option in an already constantly ongoing choice process that has higher priority among other possible actions. And that is the sole core of normativity.

Defining normativity

Following Alfred J. Ayer's appeal that the purpose of philosophy is to provide equivalent statements about phenomena without using any synonyms (Ayer 1946, 48-49), we will attempt to define normativity in non-normative terms. Otherwise, the definition would simply beg the question. That appears to be a non-trivial task.

Let us take an example norm "men should wear pants in public". This can be rewritten as "if a male agent is in public, then he should be wearing pants". A generalization of this norm would be the rule "if *a* then *b*" where *a* is a description of some actual situation and *b* is a description of the world that one's action should lead to. Obviously, we still have shouldness in our formula, so this definition is circular.

Remember that any human action is a choice. Hence, another attempt would be to say that "whenever the agent is in situation *a*, they should choose actions that lead to *b*". Again this is circular since there is shouldness, namely some norm guiding the choice of action. Similarly, we cannot say that a norm is an appeal to choose some action since it seems impossible to define an appeal without recourse to shouldness.

A better way would be to say that "in situation *a*, actions that lead to *b* are to be preferred". Here shouldness is implicitly present even twice, namely in the expressions "are to be" and "preferred"[6]. The first instance of shouldness can be reduced by rephrasing the rule into "in situation *a*, actions that lead to *b* are absolutely preferred". It seems to me that "wearing pants is to be preferred" and "wearing pants is absolutely preferred" are equivalent in case the latter statement is meant to cover not only descriptive past cases but also all future cases of "situation *a*" in the prescriptive sense. Thus the word "preferred" remains the only component bearing the normative force.

[6] The verb "to prefer" can be used both in descriptive and prescriptive speech acts. In our case, eg. "wearing pants is preferred" is a normative rather than descriptive statement, and the word "preferred" bears the normative force.

At this point we can recall that choice of next actions is a continuous and inevitable part of the human condition. The very nature of choice is the selection of one option that has the highest priority among other options. Indeed, without this feature choice would not be choice! There is a certain *basic normativity* in the phenomenon of choice since it is based on the rule that one should choose the option that has the highest priority[7].

Here we can make our final step in eliminating normativity from our definition of norms and outsource it to the basic normativity of choice. The normativity of the word "preferred" can be avoided once we note that the preferred option has the highest choice priority. In other words, no extra normativity is added on top of the basic, ever-present normativity of choice. People are invoking the basic normativity of choice anyway all the time, and to say that some statement has normative force is simply to say that it has a high priority among other options that could have been chosen.

Using our example, "men should wear pants in public" merely says that actions that lead to wearing pants in public always have a higher priority in men's choice equilibrium over any other actions incompatible with such outcome. This is a descriptive statement. The normativity is relegated to the basic normativity of choice.

With this in mind, I propose the following general definition of normativity:

> *Normativity* is the characteristic exhibited by a proposition and its corresponding mental image if they represent a conditional action that can belong to the choice options of an individual, and the mental image has a high choice priority[8] in situations specified by the action's condition.

A few elements of this definition need some clarification:

1. *A mental image* is understood as a conscious non-verbal[9] representation of some thing(s)[10] and/or action(s) and/or their relationship(s) and/or a certain possible state of the world in a person's mind[11]. A person's mental choice process runs on mental images rather than propositions. On my

[7] An analogy can be made with a Turing machine that is designed to read symbols from the tape and carry out certain actions upon them. Once the instructions are fed to the machine by (another) tape, one could say they are normative statements telling the machine what to do. However, these are just symbols sitting on the tape in the same way as the data. Normativity is not a feature of the instructions. It is a feature of the machine, i.e. the way it is built to process its inputs. The instructions themselves are mere facts, but for the machine they become norms in conjunction with its inherent features.

[8] One could put forward the objection that "priority" is a normative term itself since it implies shouldness, similar to my later argument that "promise" is a normative term. Indeed, part of the meaning of priority involves a picture of the desired future and/or an action that should be taken. However, this normativity belongs to the basic normativity of choice. Without the concept of priority choice would be impossible.

[9] Of course, propositions become mental images when a person is thinking them, and such mental images can be said to acquire verbality. This interesting complication does not affect the present argument.

[10] In broad metaphysical understanding such as one proposed by Peter van Inwagen (2023, 27-51).

[11] A rigorous analysis of the distinction and the relationship between propositions and mental images is certainly beyond the scope of this essay. One influential attempt can be found in Frege (1897, 131-133). Frege's *ideas* roughly correspond to *mental images* in our discussion.

definition, normativity can apply to both propositions and mental images. However, the normativity of mental images is more fundamental in the following two ways.

First, a little reflection shows that a mental image can have no corresponding propositions at all[12] and still possess normativity by ranking high in one's choice equilibrium. Such an image is then a non-linguistic norm[13].

Second, on my definition, the normativity of propositions is contingent on that of their corresponding mental images. If a mental image does not possess high priority in the choice equilibrium in relevant individuals' minds, its corresponding propositions necessarily lack normativity. In other words, propositions are not normative unless their corresponding mental images are. Otherwise, they are just failed[14] or dead[15] norms.

2. *Conditional action* is a short way of saying "if the present situation matches the set of criteria *a*, then act in the way *b*".

3. A conditional action that *can* belong to the choice options of an individual: the potential rather than actual character of an action related to a certain individual is necessary for our definition since we define normativity as a characteristic of a proposition in general, and not in relation to some particular individual. This generality accommodates the fact that certain normative propositions like "people should fast for 40 days before Easter" have normative power for some agents but not for others.

4. *Action vs. end result (outcome)*: many norms take the form of "*x* should be achieved" or "*x* is good" (a discussion on goodness follows later). The x denotes some thing or a state of the world that an individual should pursue, i.e. an end result rather than some concrete action. In fact, even the pants' norm in our prior example is rather about the state of the world than a particular action since, contrary to the grammatical meaning suggested by a verb, wearing pants is not an action[16]. For our present purposes, however, we can tolerate the conflation between an action and its end result, assuming that the individual in question can easily infer a necessary action whenever a norm requires an end result. Thus we can talk about norms requiring a certain action and norms requiring a certain

[12] Example: a music tune playing in one's mind, the name of which is forgotten (unless the person has auditory aphantasia; or the person can transcribe music, in which case the corresponding proposition will be in sheet notation).
[13] One example would be a particular way of playing a piano piece taught by a teacher to a student. It is virtually impossible to have a precise matching verbal proposition to that way, yet that way clearly becomes the norm for the student. Another example of a social norm that is established and transferred without a prior verbal proposition can be seen in the youtube video of Integration Team (2018). Finally, a non-human example is training a dog: successful training results in establishing a non-verbal norm for its behavior in certain situations.
[14] In the sense analogous to a failed speech act.
[15] In the sense of a proposition that used to have normative force but lost it when it ceased to correspond to mental images in people's minds that caused certain actions.
[16] The relevant action is putting on the pants. The action-centered formulation of the norm would be "prior to appearing in public men should put on their pants and should not take them off until being in private".

end result with the presumption that the latter are reducible to the former by a rigorous analysis.

5. *Shouldness* and *oughtness* are, as noted earlier, synonymous with normativity, hence the given definition is also the definition of shouldness and oughtness.

6. *Normative force* is a descriptive[17] quantitative characteristic of normative propositions that reflects the acceptance degree acceptance of the proposition among its relevant agents and the actual level of priority it has in their choice equilibria. Propositions have low normative force in case relatively few agents employ it in the choice of their next actions, and its choice priority is low. Conversely, high normative force means that a proposition is highly likely to determine its relevant agents' actions.

As one may note, I have failed to provide an entirely non-normative definition of normativity. There remains the basic normativity of choice in our formula. I would argue, however, that the intuitive understanding of choice is sufficiently different from the understanding of norms, and thus my definition is either not circular or at least the circle is wide enough to enhance our understanding.

The distinction between the content and the fact of a norm

Before we turn to the discussion about communicating norms, a crucial distinction needs to be made, namely one between the content and the fact of a norm.

The *content of a norm* is its conditional action, i.e. the rule that a certain action needs to be done – or a certain end result achieved – in certain circumstances. For example, the content of the norm "drivers should not exceed 50 km/h in urban areas" is the very rule "drive not faster than 50 km/h if driving in an urban area"[18]. In other words, the content of the norm is "*that* action *b* should be done whenever *a*". Note that such content, i.e. "*b* should be done" is not a description of any fact. Since the content cannot correspond to any fact, such content is not truth-apt under the correspondence theory of truth. For illustration, a similar case can be made about commands. "Open the window!" cannot correspond to any facts like a descriptive sentence can, and therefore the command cannot be true or false, at least not according to the correspondence theory of truth.

The *fact of a norm*, on the contrary, is a real-world fact of the existence of a norm, the content of which is used by relevant agents in their choice equilibria with high priority. Thus, descriptive statements can be made about such facts and such statements are certainly truth-apt under the correspondence theory of

[17] As opposed to the prescriptive, or to the illocutionary force of normative statements in use.
[18] I have not included a personal proposition in the rule, since I believe the rule is essentially the same for the 1st-person perspective "drive not faster than 50 km/h if I am driving in an urban area" and the 3d-person perspective "drive not faster than 50 km/h if you are driving in an urban area". Further, this rule can of course be further transformed into "brake if driving faster than 50 km/h until that is no longer the case" for more accuracy.

truth. So, one could say "drivers should not drive faster than 50 km/h in urban areas" in a purely descriptive sense meaning that there exists a rule that says so, with the implication that the rule is generally accepted and followed by drivers[19]. Such statement can be either true or false, as, for example when countered by "drivers should not drive faster than 30 km/h in Amsterdam". Note that genuine disagreement is possible about the facts of norms.

Normative propositions and beliefs

Having made the important distinction between the content and the fact of norms, let us now ask the question of how normative propositions relate to them. On the strict definition of propositions as primary bearers of truth and falsity (McGrath and Frank 2023), it seems that propositions can only relate to the facts of norms[20]. These would be *factual-normative propositions* about descriptive social facts.

In addition, I propose[21] to lean on the more relaxed definition of propositions as referents of *that*-clauses (McGrath and Frank 2023) that allow for the *content-normative propositions* referring to, well, the content of norms as specified above. On this definition, the proposition "smoking is prohibited on campus[22]", besides its factual meaning about the existence of a certain social fact, can also mean the prescriptive content of the norm, i.e. "do not smoke if you are on campus".

Once we know what normative propositions are, it is easy to define normative beliefs. Belief is widely (Lemos 2021, 2) believed[23] to be primarily an attitude to a proposition, and by way of metonymy its secondary – yet much more frequent – use is the reference to the proposition that is being believed. Normative beliefs thus come in two varieties matching the two kinds of normative propositions. A *content-normative belief* refers to the fact that one accepts a certain norm and uses it in one's choice of actions. For example, "Jones believes that he should not steal $5 from Smith" means that not stealing the money ranks high in Jones' choice equilibrium. In other words, he accepts the norm and believes that it should really be followed.

On the other hand, a *factual-normative* belief refers to a *factual-normative proposition* that is being believed by someone about the existence of a rule that has normative force for its relevant agents. For instance, "Jones believes that

[19] As noted earlier, a norm that is not followed is a dead or a failed norm and not a real one. Discussion of such norms is, unfortunately, out of the scope of this essay.
[20] Unless one is willing to depart from the correspondence theory of truth and accept a rival theory that assigns truth and falsity to what should be the case.
[21] My proposal is based on the fact that philosophers often use the term "moral propositions" to refer to the prescriptive content of norms. For instance, moral realists can say "the moral proposition that one should not commit murder is true". Alternatively, if one prefers the rigorous definition of propositions as exclusively truth-apt statements, another term could be used to refer to the content of norms, such as *content-normative statements*.
[22] Such statement can obviously be a that-clause, eg. "I follow the rule that smoking is prohibited on campus".
[23] Pun intended; and indeed it does not seem easy to escape circularity in the definition of belief. This is, however, not in focus of the present paper.

people should not steal money" does not necessarily mean that he accepts the norm himself. However he does believe in the existence of the social fact that people generally use the rule that prohibits stealing in their choice equilibria, i.e. he believes in the external existence of the norm.

A more nuanced approach to the concept of belief and its disambiguation (van der Schaar 2014, 162-170) reveals two senses of belief relevant to knowledge: a binary judgment versus a gradated conviction. On the first account, a belief can be expressed by "I believe the judgment that seven plus five makes twelve", which does not allow for any degree of uncertainty. However, on the second account, belief can take on degrees of certainty as in "I believe that it rains, though I am not entirely sure".

For normative beliefs, the second notion of belief, namely as a state of mind of conviction that comes in degrees, raises the question about what it is that one can be more or less certain of. Again, this is different for content- and factual-normative beliefs.

In the first case, when one "believes *that* x should be done" the degree of their conviction is the same as the priority of x in their choice equilibrium. To believe more or to believe less means assigning higher or lower priority to the respective actions. So, "Jones strongly believes that people should not steal money, and somewhat weaker that men should wear pants in public" means that he would not steal money in order to buy pants if he had none.

For factual-normative beliefs, on the contrary, when one believes in the existence of a certain norm, the degree of belief is the same metric as normative force, namely, the degree to which a certain norm is likely to be followed. Unlike the previous interpretation, the factual-normative belief expressed by the same sentence means that Jones estimates the number of cases of stealing to be lower than that of public nudity across their relevant agent groups.

Norms vs. commands and the Hartian internal perspective

Earlier I compared the content of a norm to a command. Now one might ask whether there is any difference between the two. After all, a command is not truth-apt either, and a successful command certainly leads one to carry out the action it represents. So, what would be the difference between the norm "speed is limited to 50 km/h in cities" and the command "drive not harder than 50 km/h" given by an army officer to a soldier driving in a desert of a lawless failed state?

It might seem that a norm contains a conditional action, i.e. a rule that can persist over time, whereas a command specifies only a one-time unconditional action. That is not always true. There are examples of commands involving rule-governed actions like those of airport security officers yelling "passengers with check-in luggage to the left, carry-on luggage to the right!". The mentioned command of an army officer plausibly affects the soldier's behavior over some

period of time. However, most commands in the real world are indeed issued to cause a one-off unconditional action.

A better explanation of the difference between commands and norms can be given using the 1st person perspective of their hearer.

What causes a hearer to follow a command? Not all commands are followed automatically[24]. Diplomats routinely ignore the commands of parking officers. Soldiers who are transferred to another unit can ignore commands of their previous officers. There seems to be a background norm of recognition of what commands to follow. When a command is heard, it enters into conjunction with such previous norm and serves as its condition. For example, the soldiers' norm would roughly be "if an officer says "*x*!", and that officer is listed with my current unit, then do *x*[25], otherwise do nothing". Such norm allows action *x* to be conditional or repeated. From the 3d person perspective, the factual-normative proposition would be formulated as "soldiers should follow the commands of their unit's listed officers". More broadly, most people have the norm "if I hear a command to do *x* from a source that I recognize to have authority to issue commands to me, do *x*".

A similar explanation can be offered for the famous gunman case put forward by John Austin and discussed by Herbert Hart (2012, 6). The gunman threatens with "unpleasant consequences" of shooting the victim if the latter fails to comply with the orders, eg. handing over their purse. I would argue that the relevant norm of the victim is "if someone poses a real threat to your life, and if they order you to do *x*, and if the death can be avoided by following their order, choose to do *x* with absolute[26] priority". The order of the gunman does not therefore create a new norm, it merely creates a (social) fact that plugs into the conditional part of an existing norm.

Now even if we imagine a situation where gunmen coerce their victims into following certain rules rather than atomic commands, arguably there would not be much difference. The victims would carry out the conditional actions specified by the rules because of their pre-existing internal norms of avoiding harm. Thus violence-backed rules would not create any genuine norms and would indeed cease to be followed once the threat is gone. Such rules would be used as facts[27] rather than norms by their relevant unfortunate audience. In other words, coercive orders and commands do not generate genuine content of independent norms accepted by agents.

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[24] Besides the offered explanation, some commands are not followed because of failed speech acts of commanding. In that case, the locutions intended as commands are not recognized as such and thus the perlocution fails. Such commands, or rather locutions, cannot even be tested by hearers against their relevant norms of following commands.

[25] More precisely, "…, then include *x* in my choice equilibrium with a high priority".

[26] In reality, many people have slightly different norms that do give preference to certain end results beyond death. Examples include people who prefer their dignity to their life, or parents who choose to die in order to save their children.

[27] One might go a step further and argue that the victims would hold factual-normative beliefs, but not of the imposed rules, but of the gunmen's norms of punishing. So, victims comply as long as they believe that the gunmen follow the punishment rules and are likely to punish defectors, i.e. as long as they hold factual-normative beliefs about the gunmen that plug into victims' harm-avoiding norms as conditions for action.

This argument is reminiscent of the Hartian concepts of the internal and external aspects of rules (Hart 2012, 88-91). On his view, the internal perspective is a 1st-person critical reflective attitude to a rule as a prescriptive standard of behavior. Such attitude is necessary for demands of conformity to others and oneself, as well as for accepting criticism from others for rule violations and recognizing it to be justified. The external perspective on rules, on the contrary, does not lead one to accept[28] the rules, but merely to observe certain descriptive patterns of behavior and make predictions about unpleasant consequences that are likely to follow deviations from such patterns. Hart illustrates this by an example of a red traffic light that is a signal to stop for a driver who has internalized traffic rules, whereas for an external observer it is merely a sign that cars are likely to stop or get fined otherwise.

Hartian internal aspect of rules is essentially the same as the genuinely accepted content of norms in my present proposal, and the two concepts help understand each other better[29]. For the external aspect, the obvious similarity is that the person in question regards norms merely as facts, i.e. has a factual-normative rather than content-normative belief of them. On my account, however, there does exist a deeper genuinely accepted norm in such individual that takes the factual belief as its condition, namely the harm-avoiding norm. The reason that Hart does not mention such a rule is that he focuses on social rules whereas the harm-avoiding norm is inherently personal. However, it can clarify his criticism of "externalists" who parasitize upon "internalists". If one takes all social rules as mere commands, the social norms are reduced to instrumental facts employed by their personal norms. That is a manifestation of extreme selfishness and lack of respect or understanding of the essence and the telos of social norms.

At this point, I have argued that people do not acquire norms by commands. Yet people do seem to adhere to countless norms that were communicated to them by others[30]. How does norm communication take place then? Before that question can be answered, I need to make one point about the formulation of normative propositions.

Shouldness to goodness, normative predicates and conflicting norms

So far I have mostly used examples of norms in the form of "x should be done" using a modal verb phrase. Obviously, many if not most norms are expressed using adjective phrases like "x is good/bad/right/wrong". The debate whether shouldness is equivalent to goodness, and if not, whether the one is reducible to or more fundamental than the other dates back to the roots of Western philosophy canon, namely Plato's Euthyphro and Republic dialogues.

[28] Hart even talks about intentional rejecting of social rules by people who "externally" parasitize others who do accept rules internally. He also refers to this dichotomy as one between an obligation and being obliged (Hart 2012, 82), the terms we omit here for brevity.
[29] A further interesting line of analysis would be to specify what it means under the present account to criticize others and oneself for rule violation, and what is to recognize criticism as being justified.
[30] Of course, not all norms need to be acquired from others. An example of an individual's "own" norm is someone making a New Year resolution to exercise on Sunday mornings and following it for a while.

Deontologists and consequentialists, intuitionists and divine command theorists[31] have all conflicting answers to that question and we certainly cannot settle the issue here.

My minimal assumption is that positive[32] normative adjective predicates such as "is good, is right[33] etc." are equivalent to normative properties of goodness, rightness etc., and that these properties imply shouldness. In other words, something that is good or right should also be achieved.

This assumption is supported across influential works. Ayer (1946, 107) seems to imply that stealing money should not occur if someone says that stealing money is wrong "in a peculiar tone of horror" since that is a sign of disapproval and disapproval cannot be defined without reference to normativity. Stevenson and Hare (Schroeder 2024, 23,33) amend Ayer's argument with notions of influencing by recommending and commendation and these notions also imply shouldness. Wittgenstein (1965, 5) in an example in his lecture On Ethics argued that bad behaviours ought to be replaced by better ones. Brentano (2015, #30) defined better in terms of preference, from which it follows that good is a property of something that is to be preferred, i.e. has a high priority in choice equilibrium and hence possesses normativity.

Brentano's point about the gradualness of good leads us to note that norms can have different priorities. In some[34] situations, agents can have multiple conflicting norms that prescribe incompatible actions. A well-known example is that of returning a borrowed gun to a violent criminal, an act that is both right and not good. Another one is the Marxian argument that exploitation is bad but not unjust. Thus several conditional actions that have the same condition but different actions compete in one's choice equilibrium. The norm that specifies the taken action is one that has the highest priority in the deliberation[35]. Linguistically, reformulating norms from should-form to good-form allows one to speak about conflicting norms with greater ease. Saying "a Big Mac is good, but a healthy dinner is better" is much easier than "I should, to a great degree, eat a Big Mac, but then I should eat a healthy dinner to an even greater degree".

A final remark about normative predicates concerns their relationship to evaluative ones. A predicate like "is right" is used prescriptively about future actions that are yet to be chosen. For past actions, however, and their results alike, the same very predicate is used descriptively to indicate the measure to which the prevalent norm was observed. Thus, a good movie can mean both a

[31] Deontology defines good in terms of what should be done while consequentialism does the reverse. Meta-ethical intuitionist theories claim that the good comes first as a sui generis primitive notion while divine command theorists claim that goodness follows from divine orders.
[32] Also assuming the dichotomy of positive and negative normative adjectives. For the sake of brevity, I do not address negative normative terms such as wrong, bad etc., yet it should not be difficult to extend my analysis to them. Such analysis would need to account for "may" alongside "should" and "should not" and the relevant predicates "is prohibited", "is allowed" etc.
[33] Note that normative adjectives allow for linguistic economy in formulations of generally applicable norms. Eg. instead of saying "Everyone should exercise" one can say "Exercise is good".
[34] I would even argue that agents are subject to norm conflicts virtually in all situations. Next to the "winning" norms there are always other norms specifying second-best actions.
[35] In some cases, one can have a higher-order norm that governs assigning choice priorities to norms.

movie that one should watch and a movie that was produced according to a high standard.

Communicating norms: a mix of appeal, assertion and emotion

Finally we can settle on our principal point, namely an explanation of how norms are communicated. The previously made disambiguations, especially the one between the content and the fact of a norm, can help us get clarity. So, what happens when an Alice says[36] to a Bob "stealing money is wrong"[37]?
Such locution can have several possible illocutionary forces[38], namely:

1. **Appeal**. The speaker intends to cause a content-normative belief in the hearer. If the speech act succeeds, the content of the norm represented by the locution is genuinely accepted by the hearer, not just factually as in the case of a command.

   Note that this does not necessarily imply that the speaker adheres to the norm themselves. The speaker only appeals to the hearer to accept it.

   Not all appeals get accepted automatically. The hearer must have a pre-existing norm[39] of recognition of valid sources and/or cases for accepting norms[40] communicated to them. On a side note, such meta-norm is the foundation of one's autonomy, i.e. the power to decide by which norms and laws to abide.

2. **Assertion**. The speaker intends to cause a factual-normative belief in the hearer. If the speech act succeeds, the hearer gets informed about the existence of the norm represented by the locution.

   Contrary to an appeal, an assertion does not lead the hearer to accept the norm automatically. That can, however, happen in case the hearer has a pre-existing meta-norm for trusting certain sources of social norms. In

[36] I only address spoken speech acts in this essay. The works of Wittgenstein, Ayer and Hare I reference also contain themselves to spoken normative utterances. Of course, there are countless examples of written normative statements like those in legal codes and grammar books, but also personal written messages can contain attempts to communicate norms. Arguably, non-verbal signs can communicate norms, or at least commands. Further analysis is required for an accurate account of written norms. Broadly, it seems that the illocutionary intentions of appeal and assertion are applicable to written speech acts. Expressing emotion, though, would require the writer to employ much more verbal means to compensate for the impossibility of using meta- or non-verbal means of live communication.
[37] The same argument can be made about the other "version" of this utterance "money should not be stolen", or even "do not steal money" recognized as a moralized statement rather than a command.
[38] Some philosophers, whom Hare (1970, 3) calls performers, would also say that the locution thus has several meanings. However plausible that is, we do not address here the debate whether meaning is contingent on illocutionary force.
[39] One may think that this leads to an infinite regress. Since we have defined norms in terms of mental images that are conscious, it is plausible that the "ultimate rule of recognition", to use a Hartian (2012, 106) concept in a different setting, is an unconscious process. So, children can be said to accept (some) norms from their parents without consciously testing them, among those also norms about whom to trust for acquisition of further norms.
[40] Contrary to a command, when an appeal is successful, the norm is accepted as an independent one, not as a factual condition of a personal harm-avoiding norm.

such case, the factual-normative belief causes a content-normative belief. For instance, if a parent says to their child "stealing money is wrong", the latter is entitled to accept the respective norm.

Alternatively to causing a genuine norm, the factual-normative belief can serve as a factual condition for a (personal harm-avoiding) norm, which would make the assertion to be interpreted as a command. An example is a prison guard telling compulsive psychopath thieves[41] that "Stealing money is wrong over here, offenders will be punished".

3. **Expression, assertion or prediction of emotion**. So far we have not discussed emotions, so a short introduction is required. The terms good, bad, right and wrong can mean emotions, i.e. one can feel good, bad, right or wrong about some actions or outcomes. Expression of such feelings can take the form of adjective predicates. So, for example, by saying "rejection is bad" one can mean "I feel bad about being rejected" or more generally "rejection is likely to cause a bad feeling". Ayer seems to support the argument that the predicate "is wrong" can merely express emotion since he equates the statement "stealing is wrong" with an exclamation "stealing!" in a specific tone expressing a feeling of moral disapproval.

   Emotions are a primary behavior-guiding mechanism in animals and hence closely related to norms. The kind and the intensity of an emotion that is attached to a conditional action or its outcome is extremely, if not entirely[42] decisive for its priority in one's choice equilibrium. The division of emotions into individual (eg. happiness, fear) and social (eg. guilt, injustice) is reminiscent of individual (harm-avoiding) and social norms. Thus one could say that guilt underpins a genuine norm whereas a command owes its high choice priority to fear[43].

   Back to the illocutionary force of "stealing money is wrong". The emotion-related possibilities are:

   3a. An **assertion about the speaker's emotion** about the action or outcome in question. In our example, by expressing the emotion the speaker asserts that she feels wrong about stealing money. According to Robert Frank (Dennett 2003, 204-206), such emotional commitment implies that the speaker adheres to the norm (i.e. not stealing money has a high priority for her). Thus the successful speech act results in the hearer's acquiring a factual-normative belief about the speaker. In other words, the hearer is informed that the speaker observes the norm.

   3b. Similarly to (2), such factual-normative belief about the speaker can lead the hearer to acquire a content-normative belief, i.e. to accept the

[41] In Hartian terms, the ones who take an external perspective on theft.
[42] Antonio Damasio (2006) makes a compelling argument that even in humans rational thought and choice are underpinned by emotions, and people who lack access to their emotional states exhibit deficiencies in their choices.
[43] Psychotherapists will readily object that one can also have a fear of guilt, which could blur the distinction between norms and commands.

norm in case they regard the speaker as a valid source of norms. If that was the intention of the speaker, then we might as well say that her expression of emotion was an (indirect) **appeal to the hearer** to accept the norm.

3c. An **assertion about the general propensity of the action to cause the emotion**. Rather than talking about herself, the speaker can mean that an action or outcome is generally likely to evoke a certain emotion. Thus the speaker intends to cause a factual-normative belief in the hearer about the relevant group of agents.

3d. However, if the speaker also intends the hearer to interpret the general assertion as a prediction and to infer that they will also experience the emotion in question, then the illocutionary force is again one of an **appeal**. Such appeal invites the speaker to accept the norm, i.e. to acquire or enforce[44] a content-normative belief by giving a reason, namely that the emotion signals that the norm is a genuine[45] and important one.

In sum, all kinds of emotional expressions lead to assertions of the facts of norms or appeals to accept their content, so they can be viewed as somewhat different routes to the same outcomes of (1) and (2).

Note that in practice it might be difficult to infer the speaker's intention and thus decide on the correct interpretation of the locution. Sometimes speakers would even intend to mislead the hearer about the real intention and hence correct interpretation of what they say. Most of the time, however, speakers are not even aware that appeals are different from assertions, and just lump them all together. So, their locutions have several or all of the specified illocutionary forces to some degree. Some may fail and others may succeed at the same time.

Having made all the above theoretical claims, now I want to apply my approach to the two well-known normativity problems addressed by Searle (1964) and Frege and Geach (Schroeder 2024, 41-66).

How not to derive "ought" from "is": Searle's error

Wittgenstein famously claimed that all philosophical problems can be solved by clearing up one's language. It turns out that sharpening one's conceptual apparatus can also make some problems reappear by posing objections to their alleged solutions.

[44] The implicit assumption so far was that the communicated norm was new for the hearer. In reality, most of the time people use statements like "stealing is wrong" not to inform others who had no idea about stealing but rather to reinforce or weaken (cancel) existing norms, i.e. to change their priority in others' choice equilibria. Addressing those interesting illocutionary intentions is unfortunately out of the scope of the present work.

[45] This works for the social emotions and respective feelings of rightness, wrongness, justice etc. For individual emotions, this would only signal a command as in "stealing money is scary!".

John Searle claimed to derive an ought from an is by somewhat redundant four-step deduction of "(S5) Jones ought to pay Smith five dollars" from "(S1) Jones uttered the words "I hereby promise to pay you, Smith, five dollars."" On his account, the former statement is evaluative, i.e. prescriptive or normative, and the latter is descriptive. No one since Hume could show that any evaluative statement was entailed by descriptive statements, and Searle offered such an example.

In order to prove Searle wrong we would need to show that the statements S1 and S5 are of the same kind, and no transition has taken place. That is not so hard to do.

Statement S1 would be typically[46] used to cause a factual-normative belief in the hearer. The speaker is led to believe that Jones made an utterance that implied the fact that Jones adhered to a certain norm, namely a commitment to paying Smith $5 on a certain date. Promising is normative since the promiser undertakes to choose the promised action at the promised time with a high priority among their other options. In other words, the hearer is invited to believe the fact that Jones adheres to a certain norm.

Now it is apparent that the speaker of S5 also intends to cause the hearer to acquire a factual-normative belief, namely, to believe the fact that Jones adheres to a certain norm. Hence S5 is of the same kind as S1, namely an assertion of a factual-normative proposition.

The only possible case where S5 can be an appeal intended by the speaker to cause a content-normative belief in the hearer is when the speaker addresses their locution to Jones. Yet in that case, statement S1 can be interpreted likewise.

Thus there is no transition of type between statements S1 and S5.

How to avoid the Frege-Geach problem: Saving Private Ayer

Early non-cognitivists in metaethics such as Ayer, Stevenson and Hare claimed that the meaning of prescriptive sentences could be explained in terms of the literal meaning of their words plus some extra component. For Ayer, that extra component was expression of emotion. This encountered the objection, known as the Frege-Geach problem, that in various compositional cases such an extra component is not plausible. The paradigmatic compositional case was a modus ponens with a normative statement, for example:

(FG1) Stealing is wrong.
(FG2) If stealing is wrong then the stock market should be outlawed.
(FG3) The stock market should be outlawed.

[46] Searle rules out by assumption any other possible readings of (1). He confirms (Searle 1970 4) that Jones' words mean "the act of making a promise", which implies the existence of normative commitment.

The claim is that if one assumes FG1 and FG2 to be true for the sake of the argument, then one is required to accept that FG3 is true by way of logical deduction. In reality, people accept the validity of such arguments. For the argument to be valid, the atomic phrase "stealing is wrong" needs to have the exact same meaning in FG2 as it has in FG1. However, in FG there is clearly no expression of emotion. Therefore, such a performative extra component cannot be part of the meaning of prescriptive statements.

Let us see whether our disambiguation between the content and the fact of a norm and the communicative mix hypothesis can rescue non-cognitivists from the Frege-Geach problem.

First, let us assume that expression of emotion in Ayer's theory means expression of the content of a norm, on par with our conception of the illocutionary force of appeal. That would make FG1 a content-normative proposition. Let us recall that content-normative statements are not truth-apt, and thus cannot enter into traditional logical relations with each other and descriptive statements. Although people routinely accept the validity of modus ponens arguments that include prescriptive statements, that is a mistake. If the normative statements are reformulated with modal verbs, the mistake becomes apparent:

> (FG1') One should not steal.
> (FG2') If one should not steal, then the stock market should be outlawed.
> (FG3') The stock market should be outlawed.

Although the whole argument sounds somewhat plausible, especially to those untrained in logic, one would certainly agree that "one should not steal" does not correspond to any fact[47] since it refers to what should hypothetically be done – a mental image of possible action or outcome – rather than to what actually is. An appeal is neither true nor false. Thus it is a misunderstanding that FG1-3 is an instance of genuine modus ponens. This, in turn, means that the requirement of modus ponens for FG1 and FG2 to have identical meaning is not applicable. In sum, the Frege-Geach problem was never applicable to non-cognitivist arguments in the first place.

Note that we have only discussed the meaning of FG1. The meaning of FG2 could be different from FG1. On our account of the communicative mix of appeal, assertion and emotion it is certainly possible that the same locution has different meanings, at least if meaning is partly explained by illocutionary force. However, that would not pose any problem. Since FG1 is not truth-apt and cannot enter into logical relations of modus ponens, the requirement for identity of meaning does not apply.

[47] Intuitionists and divine command theorists would object that there are knowable moral facts. However, to combine such sui generis facts with ordinary real-world facts in logical formulae they would need to come up with a theory of truth that can account for the similarity of real knowable facts with the ones that are ontologically and epistemically weird.

Second, we could assume that Ayer's expression of emotion is indicative of factual-normative propositions. On such assumption, saying "stealing is wrong" in that peculiar tone or writing it with the appropriate "shape and thickness of the exclamation marks" expressing one's feelings means to assert the fact that the speaker adheres to the norm and/or that the norm generally exists for relevant agents. However, since assertions can ordinarily be made without recourse to such devices, and given that people generally follow the maxim of the economy of expression[48], such assumption does not seem plausible. In fact, it would deny the existence of the non-cognitivist extra component, so an assertion could not even be made.

Finally, referring to the third option in our communicative mix, namely expression of emotion, let us assume that the peculiar tone of voice or the exclamation marks are used by an Ayer's speaker to assert either the existence of their own strong emotions toward stealing money, or the general propensity of stealing to bring about hard feelings.

In the former case, FG1 could be reformulated as "I have strong negative moral feelings about stealing". Making the step described by (3a) in our mix, one could also reformulate this as an inference "I adhere to the norm of not stealing". Now we need to look at what meanings, on our account of the communicative mix, the phrase "stealing is wrong" in FG2 (FG2if for short) can possibly have. FG2if cannot be an appeal since an appeal is not truth-apt and would make no sense in an if-clause. Neither can FG2if be an expression of emotion, by postulation of the Frege-Geach problem. The only possible meaning for FG2if is an assertion of a factual-normative proposition of a general kind. Thus FG2if can be rewritten[49] as "there exists the norm that stealing should not be committed". Thus the conjunction would look like this:

(FG1-1'') I have strong negative moral feelings about stealing.
(FG1-2'') I adhere to the norm of not stealing
(FG2'') If there exists the norm that stealing should not be committed, then the stock market should be outlawed.
(FG3'') The stock market should be outlawed.

With this disambiguation, it would be indeed weird if anyone[50] accepted the validity of this argument on either reading of FG1. Since this deduction is not valid, it cannot pose a problem for Ayer.

In the latter case, FG1 could be reformulated as (FG1-3) "people generally feel wrong about stealing." That can imply the factual-normative proposition (FG1-4) that there exists the general norm of not stealing. Now, for FG1-3 the same argument can be made as for FG1-1'' and FG1-2'' above. For FG-4, however, there

[48] This maxim was pursued in writing this paper, with varying success.
[49] A first-person assertion, i.e. someone saying "stealing is wrong", if interpreted as an assertion, is ambiguous between "I adhere to the norm of not stealing" and "there exists the general norm of not stealing". However, in the impersonate position within an if-clause the former reading is impossible, thus there is no ambiguity.
[50] Some people might implicitly believe that FG1-1'' implies FG2if, however, that is obviously false. One can adhere to a norm that is not generally accepted.

is no problem at all since FG-4 is in fact identical to FG2if. So, we have handled all the disambiguations and shown that the Frege-Geach problem does not apply to Ayer's argument in any of its possible versions under our choice-informed account of normativity.

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